

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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**CATHERINE RIASCOS-HURTADO and
GLADYS SANCHEZ-LOQUI,**

Plaintiffs,

ORDER

-against-

09-CV-0003 (RJD) (ALC)

**UNITED STATES OF AMERICA and
THEODORE RAINES,**

Defendants.

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CARTER, UNITED STATES MAGISTRATE JUDGE:

Before the Court is Plaintiffs' motion to compel the United States of America (the "Government") to produce the background investigations of Theodore Raines¹, a former Bureau of Prisons employee. The documents sought by Plaintiffs is protected by the Privacy Act, 5 U.S.C. § 552a. Under 5 U.S.C. § 552a(b)(11), a court of competent jurisdiction may authorize the disclosure of the information.

Here, while the Government intends to bring a motion to dismiss, because the documents sought by Plaintiffs are relevant to the action and may be relied upon by Plaintiffs in opposing the Government's motion, I grant the motion to compel. See *Laxalt v. McClatchy*, 809 F.2d 885, 889 (D.C. Cir. 1987) ("The Privacy Act ... does not create a qualified discovery privilege as that concept is generally understood, and we find no basis in the statute or its legislative history for inferring one.").

SO ORDERED

**Dated: March 17, 2011
Brooklyn, New York**

/s/ ALC

**HONORABLE ANDREW L. CARTER, JR.
UNITED STATES MAGISTRATE JUDGE**

¹Mr. Raines is a defendant in this action, but he has defaulted.